

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON WEDNESDAY, NOVEMBER 4, 2009.

**Board Members Present:**

***William C. Chase, Jr., Chairman***

***Larry W. Aylor, Vice-Chairman***

Sue D. Hansohn

Steven E. Nixon

Brad C. Rosenberger

Tom S. Underwood

Steven L. Walker

**Staff Present:**

Frank T. Bossio, County Administrator

Roy B. Thorpe, Jr., County Attorney

Valerie H. Lamb, Finance Director

John C. Egertson, Planning Director

Paul Howard, Environmental Services Director

Donna Foster, Deputy Clerk

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Nixon led the members of the Board and the audience in the Pledge of Allegiance to the flag.

**CALL TO ORDER**

Mr. Chase, Chairman, called the meeting to order at 10:03 a.m.

**APPROVAL OF AGENDA**

Mr. Chase called for additions or deletions to the agenda.

Mr. Bossio requested that **5.02 School Board Application for Qualified School Construction Bonds for Schools Energy Efficiency Improvement Projects** be added under **New Business**.

Mr. Underwood moved, Mr. Aylor seconded, to approve the agenda as amended.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

**2.0 APPROVAL OF MINUTES**

Mr. Chase presented the minutes of the October 6, 2009 regular meetings to the Board for approval.

Mrs. Hansohn moved, Mr. Underwood seconded, to approve the minutes as submitted.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

NOTE: The September 29, 2009 7:00 p.m. Special Joint County Board of Supervisors and Town Council meeting minutes were approved following the Consent Agenda approval.

**3.0 CONSENT AGENDA**

Mr. Bossio reviewed the following consent agenda items:

a) The Board will consider acceptance and appropriation of a \$37,500 grant for the Sheriff's Office from the U. S. Department of Justice, Office of Justice Programs. (\$12,500 Local Match)

b) The Board will consider acceptance and appropriation of a \$3,300 grant for the Sheriff's Office from the U. S. Department of Justice for a Bulletproof Vest Partnership Program Grant. (\$3,300 Local Match)

c) The Board will consider a budget amendment of \$40,679 for the Clerk of the Circuit Court for Technology Trust Funds. (No local match)

d) The Board will consider a budget amendment of \$8,391.72 for the Library from funds received from Verizon for an E-Rate reimbursement. (No local match)

e) The Board will consider acceptance and appropriation of donations received in the amount of \$17,145 for the AirFest.

f) Note: This item was removed for discussion. The Board will consider adopting a resolution to approve the County's Employee Benefit Cafeteria Plan including a Dependent Care Flexible Spending Account & Health Flexible Spending Account effective October 1, 2009.

g) The Board will consider reappointing Charles K. (Chuck) Gyory and John Greenaway for a four-year term each on the Economic Development Authority. Their new terms will begin January 1, 2010 and will expire December 31, 2014 2013.

h) The Board will consider a budget amendment of \$66,168 for the Department of Human Services for ARRA (American Recovery and Reinvestment Act) funds for Head Start. (No local match)

Mrs. Hansohn requested that Item (f) be removed for discussion.

Mr. Underwood moved, Mrs. Hansohn seconded, to approve the consent agenda as amended (with Item (f) removed for discussion).

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker  
Motion carried 7 to 0.

**Consent Agenda Item f)** The Board will consider adopting a resolution to approve the County's Employee Benefit Cafeteria Plan including a Dependent Care Flexible Spending Account & Health Flexible Spending Account effective October 1, 2009.

Mrs. Hansohn questioned the timing of the adoption of the proposed resolution since she thought the employees had chosen their health plans.

Mrs. Croson explained that it was a formality to make sure the Board approves the Summary Plan description and the employer guide. She noted this usually occurs after the employees have elected their services.

Mrs. Hansohn wanted to make sure that the employees were aware of what was happening. Mrs. Croson stated there were no changes just summary explanations.

Mrs. Hansohn moved, Mr. Underwood seconded, approval of Item 'f' as presented.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

**Minutes:** Mr. Rosenberger pointed out that another set of minutes of September 29, 2009 Special Joint County Board of Supervisors and Town

Council meeting needed to be approved. Mr. Rosenberger moved, Mr. Underwood seconded, approval.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

#### **4.0 GENERAL COUNTY BUSINESS**

**4.01 SPECIAL PRESENTATIONS/RECOGNITIONS** - *There were no Special Presentations/Recognitions forwarded.*

**4.02 VDOT REPORT TO THE BOARD** - *The monthly report will be presented at the 7:00 p.m. Board of Supervisors' meeting.*

#### **4.03 VDOT'S ROUTE 29 CORRIDOR BLUEPRINT STUDY**

Mr. Egertson recounted that for some time VDOT had been in the process of preparing a Route 29 Corridor Study and he wanted to update the Board. His summary report and comment/recommendation letter sent to Joseph Springer, VDOT consultant, are on file.

Mr. Egertson stated Staff had questioned VDOT on the grade separation and limited access being specific only to Culpeper. He noted it is generally the thinking in Culpeper to keep it as a fast moving corridor, but it did not make a lot of sense for it to be only in Culpeper. Mr. Egertson stated Staff had not questioned the wisdom of having a center state route; Staff did question the wisdom of showing the center state alignment coming up Route 615 rather than a general, much wider corridor such as Route 15.

Mr. Egertson informed the Board that Orange County, Cedar Mountain Stone, Piedmont Environmental Council, and others that were vehemently opposed; therefore the center state route was removed from VDOT's study. Further, the public comment portion of the study is completed and the study is slated to be presented to the State Transportation Board in November.

He commented he just wanted to make sure the Board understood where the State was on the study and would be happy to answer questions.

Mr. Chase clarified that the center state route was completely removed from the study and Mr. Egertson stated yes.

Mrs. Hansohn asked what response had been received on the question on why Culpeper was the only one with the grade separation. Mr. Egertson stated

there had not been a response; however, Staff would continue to question the consultant at the Rural Transportation Commission meetings through the Planning District Commission.

Mr. Underwood stated that he was very disappointed with the way that Parsons Transportation Group conducted the study and expressed concern that the Group had removed the part that was the real long term planning part without any alternative. With reference to making Route 29 in Culpeper limited access, he noted that he had submitted written comments on looking at the western part of the County which is the Salem District. He explained there are at least six roads that come off of Route 29 and there are areas where VDOT could obtain right of way if they plan for Route 29 to carry much of the traffic for long term. He said if they gave any of this consideration, he did not see it reflected on the maps and questioned how VDOT would turn Route 29 in western Culpeper into limited access.

Mr. Egertson stated he shared Mr. Underwood's thinking. He noted that during the Board's work session with Mr. Springer of the Parsons Group the center state concept was not mentioned, but it came later in the study and was then promptly removed. He stated he was not pleased with how this was handled either. With regard to the limited access on the western side of Culpeper, Mr. Egertson stated in the letter he had submitted that he had indicated he wanted to meet with the consultant and review the County's comprehensive plan and thoughts on how to address minimizing the number of entrances. He believed that was the part of the County that needed the most study and it seemed to be lacking.

Mr. Walker recalled that during their meeting with Mr. Springer it was planned to advance the concept of incentives as opposed to making big rules on something that would not be funded. He asked if there were any incentives to what Culpeper had been trying to accomplish, according to plan, for over twenty years on Route 29 being a limited access roadway. Were there incentives, particularly for transportation funding, for projects in Culpeper.

Mr. Egertson stated this was a question that Mr. Walker had raised in the work session and it was also discussed at one of the workshops that he and Mr. Cooley had attended – somehow to reward the communities that do protect Route 29 and perhaps tying funding to that. He said he did not see any evidence that any of these comments have been reflected in the study.

#### **4.04 CULPEPER CYCLING CENTURY PRESENTATION**

The Board received a summary from John Barrett, Parks and Recreation Director, regarding the Culpeper Cycling Century event that took place on Saturday, October 3, 2009.

Mr. Barrett noted it was a funding raising initiative and the objectives were: to raise revenue for the Culpeper Recreation Foundation to apply to a project, to raise awareness of Culpeper, and to increase cycling interest. He reviewed the sponsors, donations and assistants for the event. There were 92 registered participants and 83 cyclists who attended the event.

Mr. Barrett noted the revenue receipts were \$8,288 and expense were \$3,826, which left net revenue of \$4,461, and this money would be used for a park project pertaining to restrooms and concession stands. He reviewed the results of the participants' survey and those responding were pleased with the event and would encourage others to participate next year. Mr. Barrett reiterated that the goals of the event were 1) a fundraiser for a community need, 2) to bring purchasing to local businesses, and 3) to encourage more people to return next year.

Mr. Barrett thanked the Staff and the 44 volunteers who helped with the event.

Mr. Chase asked where the proceeds from the event would be used. Mr. Barrett noted it would be used for concession stands and restrooms.

Mr. Underwood congratulated Mr. Barrett on the successful event stating he had received nothing but positive feedback on the event. Mr. Chase added this type event does not cause air pollution either.

#### **4.05 BUDGET UPDATE – FY2010 & FY2011**

Mr. Bossio provided a brief update on the FY2010 and FY2011 budget status. He reminded the Board that the numbers he would be discussing were preliminary.

He noted that a couple of the things affecting the Real Estate and Personal Property tax revenues were the lower collections rates and the fact that the NADA values were about the lowest they had been in the past 23 years. Even with this, there had been collections of \$157,125 more than budgeted last year; the Public Service Corporation was \$329,964; and unfortunately the Personal Property was about \$1.1 million lower. He noted this created an issue of about \$623,938 in this Fiscal Year.

Mr. Bossio stated the Treasurer had put into place a program for collections and the collections were starting to pick up; therefore the numbers could get substantially better during the year.

He noted the FY 10 budget was reduced by \$255,000 for Constitutional Officers and the real question now is what happens if there are further state

program cuts in December. Department of Human Services cuts from FY 09 amounted to about \$3,610 and everything else was programmed to remain level. Mr. Bossio stated taking into consideration the School Superintendent's memo, it appears there might be a reduction of about \$670,000 in this year for the schools, which may be substantially covered by their increased 'average daily membership.'

Mr. Bossio explained that in this Fiscal Year there is a \$255,000 shortage to deal with and he believed this could be handled with the budgets. He stated he had talked with most of the Constitutional Officers and hopefully they could work through the reductions. If there were substantial more collections, then the \$623,938 deficit would be reduced as well.

Mr. Bossio advised that in the projections presented so far, he had not touched on the Insurance and VRS. He stated he had programmed in an estimated 20% increase in the insurance, but he hoped that the insurance rates would be less since most employees have converted to the HMO and more will move to the HSA this year. He noted that staff had heard that the State had redone the actuarial on the VRS accounts and there was a possibility that the school system may not have to pay the last quarter of the VRS rates. If this was true staff's estimation for this was \$1.1million; however, he was uncertain how balancing the accounts would work out.

Mr. Bossio stated considering all of this, the net total being carried forward for next year there may be a shortage of \$3.6 million shortage. He stressed that this was a preliminary number, which could change up or down depending on what happens at the state level and revenue collections. He stated he would keep the Board updated as more information became available.

Mr. Bossio stated there had been some good suggestions made when talking with individual supervisors i.e. prorating the personal property tax, which could or could not yield more revenue, but may be a fairer way to treat the taxpayer. He noted that further consideration would have to be given to how to solve the problems, and the positive side was that the process was beginning earlier this year.

Mr. Walker asked if the VRS relief was just for the school system. Mr. Bossio responded that as far as he knew it was. Mr. Walker thought this was somewhat confusing when it was not for everybody.

## **5.0 NEW BUSINESS**

### **5.01 INSURANCE CONSULTANT SERVICE**

Mr. Culpeper noted it was deemed there was a need for consultant services and an FRP was processed. He noted the evaluation team was recommending the award of the contract to Mark III Employee Benefits for insurance consultant service.

Mr. Chase asked if they were the low bid. Mr. Culpeper stated since this was a request for proposal process the team looked for the most qualified vendor and they found that Mark III was the lowest and most responsive proposal at \$15,000. He noted it was a one-year contract with options of four (4) one-year renewals.

Mrs. Hansohn asked if the renewals were at the same amount. Mr. Culpeper noted no, the renewals would be at \$20,000. He explained the highest response received was \$150,000.

Mr. Underwood stated there were no numbers included in the packet of information and asked if Exhibits A, B, and C contained that information. Mr. Culpeper explained the proposal information was included in the Exhibits. He noted they were large documents and open to inspection. Mr. Underwood noted he would not be able to vote on the recommendation due to not having reviewed this information. Considering the large difference between the \$150,000 and \$15,000 proposals, he questioned if all vendors understood what was needed.

Mr. Culpeper explained there were eleven responses and he explained how the evaluation of the proposals was handled. He noted that three vendors had been deemed qualified and during the review process non-binding prices can be discussed. He said the highest of the three was around \$86,000, the next highest was \$32,000 and Mark III was \$15,000.

Mr. Underwood asked if \$15,000 was the total payment, commission, or benefit that would be received by Mark III. Mr. Culpeper stated they are paid only through the County and no commission. Mr. Underwood reiterated his question that there was absolutely no other compensation or benefit gained by Mark III working with the County.

Ms. Croson stated that they had clarified that the prices provided by the vendors included everything. She noted that Mark III will not be charging an hourly rate and they do not get commission. Mr. Underwood asked if Staff was absolutely confident that in no other way would Mark III be remunerated from any source by having this contract other than the \$15,000 that is being paid by the County. Ms. Croson stated yes.

Mr. Nixon asked why they were willing to perform the services so much cheaper.

Ms. Croson explained that they are based in North Carolina and this is the first business that they have in Virginia. She assumed it was because they wanted to get recognized in the State of Virginia.

A brief discussion ensued regarding the differences in the proposals and Mark III's being so much lower. Mr. Underwood stated that he had not had the information long enough to review it appropriately and asked if the approval could be delayed a month.

Ms. Croson stated this would just delay being able to meet with the consultant to start looking at the priorities for next year. He and Ms. Croson discussed this further with Ms. Croson noting the earlier they could start with the consultant the better it would be for preparing for the next plan year.

Mrs. Hansohn asked if the local insurance companies would know how to contact the consultants or would Mark III be looking at the local providers to make sure they are included. Ms. Croson noted she had not discussed this yet, but they could make sure that this was considered when going out for insurance bids next year.

Mr. Culpeper noted that the contract included language, which required Mark III to collaborate with the County when they go out for proposals. He noted there are eight insurance companies on the County's current bidders' list.

Mrs. Hansohn stated she had received complaints that some of the local insurance companies were not aware of the request for consultant service and she did not want them to be left out in the future.

Mr. Culpeper explained the legal advertising and other postings that were done when seeking proposals. He noted in the proposal packet there was also a survey that asked how the vendor learned of the RFP and out of the eleven received, three stated they received emails from the County, three were notified through the State website, three stated 'other' and he did not know where or how they learned of the RFP, and one received it from a public bulletin board.

Mrs. Hansohn stated she just wanted to make sure that all of the local agents are aware of the opportunity to participate, because it was good to shop locally. Mr. Culpeper stated he understood and the only resource he had was the County's bidders' list.

Mr. Nixon stated he had received the same complaint from a local insurance vendor and he thought the confusion was that the individual thought they should be sent an RFP. He stated if in the future Staff could make sure that they get a copy it would resolve the issue. Mr. Culpeper stated he would do his best; however, he was not knowledgeable of all the vendors who supply a certain

product. He stated if he sends it to someone who is not on the bidders' list then others, that might not be sent one, would have the same complaint.

Mr. Walker asked how the local companies could get on the list. Mr. Culpeper stated the individuals could go onto the County's website under purchasing which says 'add your company's name to the County's bidders list' and with the click of a button they are entered. He said then when the County is in need of services each type of service displays and he simply sends a notification email.

Mr. Thorpe asked Mr. Culpeper if his understanding was correct, in that he held two open meetings for distributing information on how to get onto the bidders list and that he planned to continue these outreach meetings. Mr. Culpeper stated yes that he conducted meetings on how to do business with county and state government. He noted that he advertises the meetings in the Culpeper Minutes and two meetings had been held one in September and the last one was in January. He discussed how the meetings provided information and an opportunity for vendors to meet the procurement staff and ask questions.

Mr. Chase stated he believed that Mr. Culpeper had done everything that he should have on this and that in the past he had heard complaints about doing business local. However, it was not practical to do this local with the price difference and the contract should be binding and the vendor would have to perform.

Mr. Bossio clarified that when Mr. Underwood posed the question relative to remuneration Ms. Croson's response was related specifically to the proposed contract. He questioned if the Mark III had been paid extra to assist with the local enrollment. Ms. Croson stated that they did not get any money from the County, because they did it for free. However, they do get commission when people choose to take supplemental insurance and that this was similar to when AFLAC use to handle the program for the County. She stated that by changing from AFLAC to Mark III it saved the County \$6,000 because Mark III picked up the flexible spending and COBRA fees. Mr. Bossio reiterated that there was no other arrangement that would earn Mark III money in addition to the \$15,000. Ms. Croson agreed.

A brief discussion ensued. Mr. Nixon stated he did not want any misunderstanding because he did not have a problem with the proposal procedures, but wanted to make sure that the local vendors have the information and opportunity to bid.

Mr. Chase agreed and noted that he also believed when it was within a very close price range that the County should consider local, but in this case it was saving money for the citizens.

Mr. Rosenberger commented that he believed everyone present would like to see business done locally; however, he believed Mr. Culpeper had followed the law, advertised, posted etc. and he wasn't sure that he should be going overboard with the staff's time to go out and find every insurance agent that is working in Culpeper in order to notify them. He did not believe the County had the staff or the time to do this. Mr. Rosenberger stated it was nothing against the local vendors, but if they are interested in doing business they need to be watching what is going on. Mr. Chase agreed.

Mr. Nixon did not think it was that much more workload and he believed Mr. Culpeper understood the points made.

Mr. Walker asked, with regard to delaying the decision, if Ms. Croson could explain what had to be done with the consultant. Ms. Croson explained there was a meeting this month to talk about the proposal and to discuss with the consultant the goals for next year. Then insurance proposals have to be sought and there has to be enough time for the consultant to review the bids and bring in recommendations to the County on the health insurance program for next year. She stated they could work around a thirty-day delay, but it is going to be a lengthy process and they would like to start as soon as possible.

Mr. Walker asked if the consultant would be working with the school system as well. Ms. Croson stated yes, the consultant would be working with the health insurance advisory team, which Ms. Farmer-Dumas chairs and the first meeting is in November. Mr. Walker stated it might be good to get the schools view on how they feel about getting started this month.

Following a further brief discussion, Mr. Nixon moved, Mr. Aylor seconded, to the award of the contract to Mark III Employee Benefits for insurance consultant service.

Mr. Underwood stated he was not going to support the motion due to his lack of understanding of insurance process combined with hearing some local feedback. He stated he would prefer having time to discuss it with some others who know more about insurance and the thirty days would be valuable to him. He noted he hoped to be better prepared next year.

Mr. Aylor stated he shared Mr. Underwood's concerns; however, he believed that the Staff had done a great job addressing them. He said he agreed with Mr. Rosenberger that there is a formal process that must be followed and he believed the Staff had done what it could to make it easy. He stated providing special treatment to the local vendors might cause more issues. He believed the bases had been covered and that everyone was loyal to the local vendors and maybe it was a learning process for them.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Walker

Nays - Underwood

Motion carried 6 to 1.

**5.02 School Board Application for Qualified School Construction Board for Schools Energy Efficiency Improvement Projects**

Mr. Chase congratulated Mr. Dasher and Mrs. Luckingbill on their reelection and Mr. Houck on his election as School Board members.

Mr. Dasher congratulated Mr. Chase, Mr. Aylor, and Mr. Rosenberger on their reelection and thanked the Board for allowing him to present with some urgency, the request for the Board's permission for the School Board to apply with the Department of Education for Qualified School Construction Bonds for School Energy Efficiency Improvement Project. He noted authorization for Mr. Bossio to co-sign the application along with Dr. Johnson was part of the request. The bond application was due by November 11 and the award should be by the end of 2009.

He stated they hoped to get the money to start the phase of the renovation of the Culpeper County High School (CCHS). He noted Governor Kaine had announced \$119 million bonds that are specifically for school construction and the focus of the bond is on improving efficiency and energy savings.

Mr. Dasher referenced the joint Board of Supervisors and School Board meeting and the discussion on SHW's completion of the renovation plan and the briefing charts with information on the costs. He noted the final report was now in the comment phase and would be ready for release soon. The School Board had decided to go with the shortened renovation phase of two years and price of approximately \$20 million. Another recommendation of the plan, based on the energy savings being realized at Eastern View, was to install a geothermal heating and cooling system. He said these two items would be a part of the application.

Mr. Dasher further briefed the Board utilizing a Power Point presentation. He discussed the CCHS renovation funding approach: the Virginia Qualified School Construction Bond would be less than \$5 million to address the HVAC system and energy savings that are being planned. It is a principal payment only bond (no interest) and is amortized over fifteen years.

Mr. Dasher stated they were also looking at several Federal grant possibilities in the neighborhood of \$5 million and this would be to replace some of the exterior of the building. He discussed the evaluation that SWH had

performed on the condition of the school as part of their study. He stated there was a lot of energy loss around the windows, etc. He noted they would still be \$10 million short if they received both of the grants mentioned; therefore, a literary loan of approximately \$7.5 million may be needed. He pointed out they were trying to reduce the 'soft costs', which involved possibly doing the design internally by hiring sub-contractors to assist.

Mr. Dasher discussed the central plant portion, which SHW had submitted to design bids on. He noted this would replace the boiler room equipment and tie into the existing system. He stressed this would be addressing the biggest need of replacing the aging equipment within the boiler room. He noted until the results of the bond application were known, this issue would be postponed and it would have to be brought back if the bond was not granted. Mr. Dasher stated he believed Mr. Bossio and the Board had been discussing ways to come up with the money if needed.

He discussed the research performed on the geothermal system at Eastern View High School (EVHS) and noted how it had proven to be very serviceable and effective. He discussed how the system for CCHS would be a hybrid system tying into the four-pipe system with exchangers in each classroom. He further described the system and noted it would introduce fresh area into the building. Mr. Dasher discussed the 42,000 sq. ft. 'new wing' which was built in 2002 and how this already had the new pipe system in it and if the energy savings justified tying it in to the geothermal system, it could be considered; however, it was not included in the project.

Mr. Dasher discussed the application and the question on how much to ask for. He noted they had been contact with individuals involved with the bond issue and no applications had been received at that point. He noted, with reference to the incurred debt services, that from the School Board's point of view in 2011 - \$151,000 would be coming off of the debt service line for school bus leases and similarly in 2012 - \$184,000 would come off and in 2013 - \$168,000. He believed this would help to offset some of the debt service.

In summary, he noted the costs were estimates and they were working to get the details; they were focusing on having the renovation phased in since the school would have to continue to operate during the renovation project; projected energy savings were expected to exceed \$100,000 per year; and the total estimated renovation cost was still around \$20 million. Mr. Dasher asked that the Board of Supervisors approve the bond application and authorize Mr. Bossio to co-sign the documents.

Mrs. Hansohn asked if the \$4.9 million for the geothermal system was in the plan that the renovation committee had reviewed. Mr. Dasher stated no, it

was added after the realization concerning the savings at Eastern View High School. Mrs. Hansohn noted she was on the renovation committee and they had considered \$1 million for the first phase. Mr. Dasher agreed and explained how the estimated costs had been computed.

Mrs. Hansohn asked if the \$4.9 million is approved then would the balance go to referendum. Mr. Dasher stated they were not at that decision point yet. He noted they would like to further explore the potential of applying for a Federal grant before making the decision on this.

Mr. Walker referenced the second slide on the central plant and asked how much of the \$955,000 was included in the \$4.9 million. Mr. Dasher stated it would be all included in that amount and further consideration would have to be given to this if the bond is not granted.

Mr. Walker asked if there was documentation on the cost savings for EVHS, because information was put out that it was more expensive to run the geothermal system. Mr. Dasher stated based on the study there was a substantial cost savings.

Mr. Underwood asked what the annual energy costs were at CCHS, excluding the annex. Mr. Dasher and Mr. Shomo discussed the costs and the portions of the building, which were not currently air conditioned but needed to be and the need to bring much of the building up to code. Mr. Chase invited Mr. Shomo to come to the mike so his comments could be heard.

Mr. Underwood asked what would be saved by replacing all the windows, etc. which was step two on the grant. He said he would try to do a cost analysis and there were numerous items that he needed to include. Mr. Dasher stated he probably did not have all the answers at that time. Mr. Underwood stated he would like to have the information before authorization was given to sign off on a proposed \$5 million debt.

Mr. Dasher stressed that it was an application process at this point. Mr. Underwood stated he would like to have the answers to his questions prior to accepting the grant monies. Mr. Dasher agreed and briefly discussed the difficulty with comparing the energy costs of CCHS and EVHS. He mentioned that upgrading the system to bring in fresh air would automatically drive the costs up. He further compared the two structures.

Mr. Underwood asked if the \$5 million being requested included the \$3.66 million that is in the plan for HVAC improvements and did the \$3.66 million include the \$995,000. Mr. Dasher responded yes and noted that more would be known on the geothermal cost, design and location once the consultant completed its study.

Mr. Nixon expressed concern with having to approve items such as this at the last minute and without all the information needed. A brief discussion ensued with Dr. Johnson explaining when she had received notification on the bond and the quick timeframe in which to respond.

Mr. Nixon expressed concern that there was no 'fully vetted' plan even though \$125,000 had been spent on developing a plan. Mr. Dasher explained that the \$125,000 was paid out to have an overarching plan for the entire renovation with rigid ground rules such as continued operation of the school during renovation, and not having to do redo things.

Mr. Nixon expressed his concern with not having a specific plan with costs and yet the bond application is predicated on some of those items and costs. He discussed this further. He noted having this type information would certainly make the decision easier.

Mr. Dasher stressed that it appeared to him this was the best deal that they would get, because it would be interest free money. He stated it never their intention that they would receive design detail for \$125,000. He added if the project was done in small modules and spread out over 10-15 years then there would be multiple bid documents to prepare to complete the process. Mr. Dasher explained that an architectural firm typically charges 10% of the bid to prepare the packages and if the project costs \$20 million that would equate to \$2 million for that expenditure.

Mr. Chase asked if the authorization to apply for the grant was granted at this meeting then could the questions raised be answered in more detail prior to accepting the grant money. Mr. Dasher stated yes and that he and Dr. Johnson were diligently working on this.

Mr. Aylor agreed with Mr. Chase's point and noted the opportunity to apply was now and more details could be provided on which to make the decision on whether to accept the money if the grant was received. He questioned the savings on the school buses due to leases maturing and asked how much time there would be before new bus leases would be needed. Mr. Dasher referenced a previous briefing on this and stated they were down about 20 buses in the replacement cycle and the useful life of a bus was approximately 14 years and many were approaching that timeframe. He stated they had purchased four new buses last spring and the intent was to not lease for the next few years. He and Mr. Dasher further discussed the possible savings.

Mrs. Hansohn asked if Yowell Elementary project had been completed. Mr. Dasher noted they were still dealing with two issues: storm water retainage pond and monies are being withheld until the problems have been resolved; and completing the punch list on the building.

Discussion ensued relative to the application and the fact that the Board was at this point only considering applying for the bond and the acceptance of the bond monies would have to come back for approval.

Mr. Underwood moved, Mr. Walker seconded, to authorize the County Administrator to sign the application for \$5 million for submittal to the Department of Education for Qualified School Construction Bonds for a geothermal HVAC system.

Mr. Aylor asked if the application should be tied to a geothermal system, because the soil conditions or casing of wells may cause that type system to be cost preventive. He asked if other energy efficient systems could then be considered. Mr. Dasher agreed with this point and Dr. Johnson stated it was not specific to geothermal.

Mr. Underwood agreed to remove the language 'geothermal' from the motion.

Mrs. Hansohn encouraged Mr. Bossio and Dr. Johnson to start looking at how this would be paid for. Mr. Bossio stated they would be working together on budget issues over the next couple of months.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

**Recess:** The Board took a brief recess at 11:30 a.m. and reconvened in session at 11:40 a.m.

## **6.0 COMMITTEE REPORTS**

### **6.01 AD HOC ANIMAL SHELTER ADVISORY COMMITTEE REPORT – October 27, 2009**

There were no actions forwarded. (See Attachment 1 for details of the committee meeting.)

### **6.02 AIRPORT ADVISORY COMMITTEE REPORT – October 14, 2009**

There were no actions forwarded. (See Attachment 2 for details of the committee meeting.)

### **6.03 BUILDING AND GROUNDS COMMITTEE- October 13, 2009**

Mr. Aylor presented and moved approval of the Committee's recommendation that the Board approve the plan for naming the County property at 151 N. Main Street the Giles H. Miller, Jr. Memorial Building. Mr. Underwood seconded the motion.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0. (See Attachment 3 for details of the committee meeting.)

#### **6.04 E-9-1-1 BOARD**

The next quarterly meeting is scheduled for December 17, 2009 at 7:30 a.m.

#### **6.05 PERSONNEL COMMITTEE – October 15, 2009**

Mr. Nixon presented and moved approval of the Committee's recommendation that the Board approve the Reduction in Force Policy of the Personnel Management Plan. Mr. Aylor seconded the motion.

Mrs. Hansohn requested an overview of the policy be provided. Ms. Croson explained that in the event it became necessary to reduce the County workforce that under the proposed policy it could be achieved by voluntary or involuntary provisions. She discussed the provisions noting that there were richer incentives for voluntarily leaving. Mrs. Hansohn asked if the Constitutional Officers were going to be affected and Ms. Croson stated she had not discussed this with them yet but would be doing so.

Mr. Chase asked if it would cover the Constitutional Officers' employees who are totally paid by the County. The answer was no.

Mr. Nixon reiterated what Ms. Croson had indicated was that once the policy is approved, she will then visit with the Constitutional Officers to encourage their participation.

Mr. Walker questioned and Ms. Croson responded that the policy stated there has to be sufficient funds available in the specific departmental budget to payout the severance packages.

Mr. Underwood asked if those volunteering to participate were some of the best employees how this would affect the County. Mr. Bossio stated this may not be the best method, but there was need to have a uniform and fair policy throughout. He noted in this particular day and time the County probably would not lose its best employees

Mr. Nixon commented that consideration was given to good employees being moved to other departments in order to retain them when possible. He noted this would have to be done under certain considerations and most likely the individuals would have to remain in their current pay status. He noted if offering the voluntary RIF did not work then the involuntary RIF may become necessary. Mr. Nixon stated that the Committee and Staff had to also make sure there was enough money in the departments, that may be affected by RIF, to cover the payout of severance packages or the program would not be beneficial to the County.

Mr. Underwood reiterated his concern with the possibility that some of the best County employees may volunteer to participate in the program. Mr. Thorpe pointed out that guideline 1 which allowed for the implementation to be on a countywide, department, or position specific basis. He believed this would allow the County Administrator the ability to ensure that the County government could continue to function.

Discussion ensued with Mr. Bossio agreeing there were certain risks with the implementation of the program; however, it was intended to be a tool to use if needed.

Mr. Rosenberg recalled that the adoption of the current year budget was tied to only voluntary reduction in force and he asked if adoption of this policy would override that approval. He stated he wanted it to be clear if the Board approves this policy the County Administrator has the authority to do what he needed to do. Mr. Nixon and Mr. Bossio responded that the adoption of the policy would override the previous action.

Mrs. Hansohn stated this was needed in case the reduction in force became necessary. Mr. Walker pointed out that the voluntary RIF would be the first step.

Ms. Croson stated there had been two more individuals who were going to participate in the early retirement program.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0. (See Attachment 4 for details of the committee meeting.)

#### **6.06 PUBLIC SAFETY COMMITTEE REPORT**

The next meeting is scheduled for December 17, 2009 at 8:30 a.m.

**6.07 PUBLIC WORKS COMMITTEE REPORT – October 13, 2009**

There were no actions forwarded. (See Attachment 5 for details of the committee meeting.)

**6.08 RULES COMMITTEE REPORT – October 13, 2009**

**a) Recommend that the Board hold a public hearing at its 7:00 p.m. meeting on December 1, 2009 and consider approving the proposed Towing Policy.**

Mr. Walker presented and moved approval of the Committee recommendation. Mr. Nixon seconded the motion.

Mr. Thorpe noted a revision on Page 5 of the policy: Change October 1 to January 1 and noted the list would be approved each year and new towers could be added.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

**b) Recommend that the Board not grant a variance from the normal tower co-location application procedures as requested by Verdun Adventure Bound, Inc. The request was to reserve co-location space on the Rixeyville tower until FCC license approval and to waive or reduce the application fees and lease payments.**

Mr. Walker presented and moved approval of the Committee's recommendation. Mr. Underwood seconded the motion.

Mr. Walker explained that this action would not preclude Verdun Adventure Bound from applying for relief once the FCC approval had been received. He noted the Committee wanted to remain consistent with the current procedures.

Mr. Culpeper briefly discussed the request with the Board. Mr. Bossio noted that Mr. Allen, who represented Verdun Adventure Bound had been contacted, and the process was explained to him. Mr. Rosenberger pointed out the immeasurable good that the Adventure Bound group did for the community and noted he would contact Dr. Snider as well.

**c) Recommend the Board hold a public hearing at its 7:00 p.m. meeting on December 1, 2009 and consider amending Article II, Planning**

**Commission, Section 2-17 of the County Code to comply with the Virginia Code regarding terms of membership.**

Mr. Walker presented and moved approval of the Committee's recommendation. Mr. Aylor seconded.

Mr. Egertson noted the amendment was to bring the County Code into compliance with the State.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0. (See Attachment 6 for details of the committee meeting.)

**6.09 TOWN & COUNTY INTERACTION COMMITTEE – October 27, 2009**

There were no actions forwarded. (See Attachment 7 for details of the committee meeting.)

**6.10 ECONOMIC DEVELOPMENT REPORT – Carl Sachs, Economic Development Director**

Mr. Sachs presented the following:

**Government 101:** The Culpeper Economic Development advisory Commission (CEDAC) in conjunction with Channel 21 will produce and present an educational program titled "CULPEPER TOWN AND COUNTY GOVERNMENT 101 THE FUNDAMENTALS OF LOCAL GOVERNMENT". Key speakers are County Administrator, Mr. Frank Bossio and Town Manager, Mr. Jeff Muzzy. Win Carithers will moderate. The program will be taped on November 17, 2009 in the auditorium of Eastern View High School from 9:45am to 11:00am. Government classes and teachers have been invited to attend and the program is open to the public.

Mr. Sachs added that CEDAC was undertaking this project because it believes that most of our Town and County residents do not really understand the structure and functions of our two local governmental units. The format will be questions and answers for each of the speakers to respond to. The speakers will have the questions in advance and will be prepared with their answers. A power point presentation that includes the answers will be coordinated with the speaker's response and edited into the final Channel 21 production. The topics will cover a basic understanding of how the Town and County are governed. It will include who is elected and appointed, the committee structures, departments, how government services are financed and paid for. It will compare and contrast the Town and County governments, their interrelationships and the relationships with the Schools. Students of the government classes have presented 10

questions for our speakers and hopefully there will be time to take questions from the audience. If this program appears to be successful, CEDAC has plans to produce some follow-on programs that may possibly be dedicated to planning and zoning, taxation and finance and economic development.

Mr. Nixon questioned why the Mayor and Chairman were not included in the panel for the proposed Government 101 Program. Mr. Sachs stated the Economic Development Committee had requested the Town Manager and County Administrator participate and he briefly discussed the outline of the program and noted Channel 21 would be filming the program at the school.

Mr. Nixon pointed out the Board sets the tax rates, approves the vision of the County and it only made sense the two heads of the governing bodies be part of the discussion. Mr. Aylor agreed and noted he felt the students needed to know who they are.

Mr. Chase stated he did not necessarily want to be involved; however, he agreed with Mr. Nixon's points

Mr. Sachs stated he would do his best to arrange for the Chairman and Mayor to be included. Mr. Nixon stated nothing about the outline of the program had to be changed, it was simply a matter of having the Mayor and Chairman present as participants.

Mr. Sachs completed the remainder of his report

**County Express:** Ridership in September was reported as 526

**Small Business Development Center:** Attached are September, 2009 reports from the SBDC Culpeper Office.

**Economic Development Authority:** Attached are the meeting minutes from the July 30, 2009 EDA meeting.

## **7.0 ADMINISTRATOR'S REPORT**

### **a) VACo Region 7 – North Central Virginia 2010 Legislative Issues**

Mr. Bossio presented the draft 2010 Legislative issues and entire VACo Legislative Program, which would be voted on at the upcoming VACo meeting. He asked that 1) a Legislative Committee meeting be scheduled prior to VACo's Legislative Day, and 2) if there are issues that members have which are contained in the VACo package, they should get those to Mr. Walker so when Mr. Walker votes at the VACo meeting he will have that information.

Mrs. Hansohn pointed out that most legislative decisions are practically made prior to Legislative Day. She believed the Board needed to be more proactive with getting the legislators to address the real important issues. She suggested meeting with the representatives earlier than Legislative Day.

Mr. Walker agreed the meetings should take place before the end of December because by January the bills are in place and ready to be considered. He noted any member of the Board or staff was welcome to serve on the VACo steering committee, which consider the VACo issues thoroughly.

**Joint County and Town Meeting:** Mr. Bossio noted that he had met with Town Manager Muzzy and a meeting of the two governing bodies had been tentatively scheduled for December 3, at 6:00 p.m. at the Daniel Technology Center.

Mr. Underwood asked if Mr. Bossio could provide the Board, prior to its December 1 meeting, with information on what was slated for discussion at the joint meeting. Mr. Bossio stated yes and noted that he believed they would be discussing the updated plan and the financials for that plan. Mr. Underwood stated he was not sure that the Town Council would have a similar opportunity based on their regular meeting being on the second Tuesday.

Mrs. Hansohn suggested that Senator Houck and Delegate Scott be invited to the December meeting to discuss upcoming legislative issues. She noted they had done this in the past. Mr. Bossio agreed to extend the invitation.

### **8.0 CLOSED SESSION**

There are no items scheduled for consideration.

### **9.0 ADJOURNMENT**

On motion by Mrs. Hansohn, the Board adjourned at 12:19 pm.

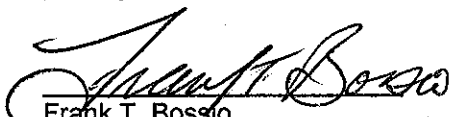


Donna B. Foster, MMC  
Deputy Clerk



William C. Chase, Jr., Chairman

ATTEST:



Frank T. Bossio  
Clerk to the Board

Approved: December 1, 2009

➔ Indicates subject with recommendation

✓ Indicates recommendation forwarded

**AD HOC ANIMAL SHELTER ADVISORY COMMITTEE**

***Board Room – 302 N. Main Street***

***Tuesday, October 27, 2009 – 9:00 a.m.***

Members Present: Bill Chase, Jamie Bennett, Mary Dale, Rose McKinney,  
Staff Present: Frank Bossio, Donna Foster, Terry Sargent  
Press Present: None  
Members Absent: Samantha Whitesides

**CALL TO ORDER**

Mr. Chase called the meeting to order at 9:00 a.m.

**AGENDA APPROVAL**

The agenda was accepted as presented.

**UNFINISHED BUSINESS**

***a. Update re: Spay/Neuter Mobile Clinic Plan – Rose McKinney***

Mrs. McKinney noted the continued success of the Mobile Clinic and stated she hoped that Dr. Jacobson would continue to provide the clinic services even with the 'kitten season' slow down. She discussed the runs that were being made to the Shenandoah Clinic in Harrisonburg.

Mr. Chase recognized Lynn Verheugen, Culpeper resident, who was interested in speaking with the Committee.

Mrs. Verheugen stated that she appreciated the focus on adopting and taking care of the animals; however, she believed that more attention was needed on the spay/neuter aspect and education of the public.

Mrs. Bennett explained that all animals adopted from the Shelter were either spayed or neutered prior to adoption or a follow-up surgery appointment was required. She noted that many citizens take advantage of the shelter's low cost programs and the appointment books were filled months in advance. Mrs. Verheugen commented that the Mobile Clinic did not do canines; however, Mrs. Bennett clarified that Dr. Jacobson will do the smaller breed dogs, but not the large canines.

The Committee and Mrs. Verheugen discussed the services provided at the Shelter with the assistance of FOCUS. It was noted that in addition to their services, the Humane Society also made runs to the Shenandoah Clinic, which is a part of the Spay Virginia Project and unlike the local shelter and groups, is open on a regional basis.

Mrs. Verheugen questioned if feral cats were also handled. Mrs. McKinney noted Ms. Whitesides was more involved in this area; however, yes feral cats were being worked with as well.

## Attachment 1

Mrs. McKinney advised the members and Mrs. Verheugen that a new group was being started by a couple of individuals that had been associated with the Humane Society. She felt certain since these individuals were knowledgeable in animal care and was building a good relationship with FOCUS already. She believed the group would be an asset to the community.

Mr. Chase stated that the new group should be encouraged to become involved in the Committee meetings as well.

Mrs. McKinney stressed that finding homes for the existing population of cats and dogs was as important as the spay/neuter program. She stated once an animal comes into the Shelter it is their responsibility to try to find it a home.

Mrs. Verheugen informed the Committee that she had been searching on-line and had discovered that a software program called 'The Humane Solution' is available. She noted it was useful for tracking spay/neuter activities and developing numbers to help evaluate the benefits being received. Mrs. Bennett noted that the spay/neuter comparison numbers were not difficult to obtain now. She stated that yearly comparisons were available.

Mr. Bossio stated if Mrs. Verheugen would provide the Internet site information, then Staff could further evaluate whether or not the program would be useful to the County. He stated if there was a lot of expense involved then that may outweigh the benefit, but it would be worth checking into. Mrs. Verheugen stated more information concerning the program could be found by Googling 'NSNRT'.

Mr. Chase encouraged Mrs. Verheugen to present any ideas that she felt would be of benefit to the County. Mrs. Verheugen stated she just wanted to ask questions and note her support for obtaining more options with the spay/neuter services. Mrs. McKinney commented that the new Mobile Clinic had just started in July and that over 100 cats had been served. She believed between this clinic and the runs made to the Harrisonburg clinic that a lot of progress was being made.

Mrs. Verheugen asked if news reporters were invited to the meetings. Mr. Bossio stated yes, but since the issues are not as exciting as some other areas, they do not regularly attend. Mrs. Verheugen believed there was a need to inform the public and advertise the spay/neuter clinics. Mrs. Bennett reiterated how they are booked months ahead for the clinic services.

Further discussion ensued. Mrs. McKinney noted there was a real need for canine foster homes. Mrs. Verheugen explained how she had hesitated taking six puppies that she had come across, because she was afraid that they would be put down. Mrs. Bennett explained that the animals brought to the shelter are not euthanized unless there is no other choice. Usually it is due to diseases, age, record of being aggressive, or some other serious problem exists.

Mr. Chase stated if the animals are taken to the Shelter they work to find them homes.

Mrs. Bennett noted if adoption attempts are unsuccessful then the owner is contacted to see if they want the animal back prior to any further action being taken. Mrs. McKinney stressed the Shelter, FOCUS and Humane Society work closely and with rescue groups, as well. She and Mrs. Bennett pointed out that animal welfare statistics could be checked on-line by visiting [VDACS.gov](http://VDACS.gov).

Mrs. Verheugen questioned how it was determined that a dog is aggressive. Mrs. Bennett noted there had to be documentation not just word of mouth.

## Attachment 1

Mrs. Dale discussed having someone like Jeff Seay from the Star Exponent do an article and Mrs. McKinney noted that there was an upcoming TV program which would help inform citizens about the services offered. Mr. Chase noted Nate Delesline had offered to help with articles, but Mr. Seay would also be a good contact. Mrs. Dale stated she would call and try to get Mr. Seay to possibly interview Mrs. Bennett and do a public information article of some type.

Mrs. McKinney asked if Mrs. Verheugen had been to the Shelter. Mrs. Verheugen stated yes noting that she was a canine person, although she loved cats too.

Mr. Chase thanked Mrs. Verheugen for coming to the meeting and noted that he would like for her to consider becoming a member.

**b. Update re: Adoption Program – Rose McKinney**

Mrs. McKinney stated there had been much success in adopting animals. She noted that Culpeper had lost the use of the extra cages in the Manassas Pet Smart. FOCUS had gained use of the cages when the Orange Shelter discontinued use of them, but Orange requested use of them again and Pet Smart had granted this.

A brief discussion ensued regarding the temporary discontinuance of adopting out black cats during the Halloween timeframe. Mrs. Bennett noted this had been a recommended practice for sometime.

**c. Update re: Trap-Neuter-Return (TNR) Program – Samantha Whitesides**

A brief discussion was held on there being some legality issues involved which would require a legislative change. Since Ms. Whitesides was not present, there was no update available.

**d. Update re: Open House**

This will be planned for the Spring.

**e. Discussion re: Neighborhood Dog Problems**

Mr. Chase noted the individual that had called him with concerns regarding Pit Bulls running loose in her neighborhood could not attend due to sickness in the family. A brief discussion ensued relative to County leash laws. Mr. Chase stated the lady should be able to attend the Committee's next meeting; therefore, this matter would be continued until that time.

**Adjournment**

The Committee adjourned at 9:45 a.m.

**NOTE: Next meeting will be November 23, 2009 at 11:00 a.m.**

***Culpeper Regional Airport  
Advisory Committee Meeting  
October 14<sup>th</sup>, 2009***

***Location: Airport Conference Room***

**Present:** Tony Dias, Jim Bailey, John Hunton, Mike Dale, Bob Yeaman and Bill Chase  
**Absent:** Bill Flathers  
**Guests/Speakers:** T.R. Proven, J.J. Quinn, John Corradi, Grover Amick and M.T. Brown  
**Staff:** Frank Bossio and Tanya Woodward

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**Call To Order**

- ❖ Mr. Yeaman called the meeting to order at 8:01 a.m.

**Approval of the Minutes**

- ❖ *The minutes from the September 9<sup>th</sup>, 2009 meeting were approved as written. Ayes all.*

**Airport Director's Update**

- ❖ The UNICOM frequency 123.075 has been experiencing a "stuck mic" issue for about a month. The FAA and FCC were notified and a search for the cause of the problem began. The issue was resolved last week with the resolution being found at the VCU Medical Center in Richmond, VA. The Medical Center has a radio to contact the medical helicopters and it was tuned to 123.075 and the mic was stuck in the open position. This is like trying to find a needle in a haystack, and through the perseverance of Mike Gooden of the FAA the issue was resolved. We are so appreciative.
- ❖ Mr. Bossio met with Whit Turner and Jose Sorzano regarding the biometric access reader for the gate access several months ago. The unit has been reworked and reinstalled on the field. The unit appears to working since the installation last week.
- ❖ The PAPIs on the approach end of R/W 22 were installed last week and are working.
- ❖ The FAA came out and installed the necessary equipment for the new Clearance Delivery frequency 121.6. This will afford the pilots better communication with ATC. We are waiting to hear some feedback from pilots that have utilized this new frequency.

**AIR FEST 2009: 10/10/09**

- ❖ The following bullets points were mentioned in the air fest debrief discussion. All members contributed to the discussion, which we will use when planning the next show.
  - Mr. Dale stressed that a master plan needs to be put together for the air fest. A centralized person needs to be appointed that has all knowledge of the show and its contents.
  - Varied discussion on the plans for the show next year.
  - Need of additional sponsors for the show next year.
  - Varied discussion on the PA system for the show.
  - Varied discussion on charging for the show next year or at least certain aspects of the show.
  - Discussion on the program and how it benefited the show.
  - Mr. Dale will collect and collate pros and cons emails from the committee members regarding the show and we will discuss at the November meeting.

**Open Discussion**

- ❖ Nothing at this time.

**Adjournment**

- ❖ The meeting was adjourned at 9:30 a.m.

Attachments:

None at this Time

Approval:

Chairman: \_\_\_\_\_ Date: \_\_\_\_\_

Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

→ Indicates subject with recommendation  
✓ Indicates recommendation forwarded

**BUILDING & GROUNDS COMMITTEE**  
**Board of Supervisors Room – 302 N. Main Street**  
**Tuesday, October 13, 2009 - 8:00 a.m.**

Members Present: Larry Aylor, Steven Walker, Steve Nixon  
Staff Present: Frank Bossio, Roy Thorpe, Paul Howard,  
Donna Foster  
Others Present: Lisa Peacock, John Bossong  
Members Absent: None

**Call to Order**

Mr. Aylor called the meeting to order at 8:04 a.m.

**Approval of Agenda**

Mr. Nixon moved, Mr. Walker seconded, to approve the agenda as distributed. The motion carried with all Ayes.

**Unfinished Business**

**a. Discussion/Consideration regarding providing storage space for Full Circle Thrift in the former Salem Fire Hall**

Mr. Howard noted that Full Circle's storage needs had been discussed for sometime and now that the County had leased the former Salem Fire Department building, consideration was being given to leasing part of this facility to Full Circle. He noted that Full Circle was in agreement with making a capital investment to help cover the needed renovations (estimated cost-\$60,000) and would pay the utility (estimated at \$7-\$9,000) and their particular maintenance costs provided the term of the lease is acceptable to them. Mr. Howard briefly discussed the size and layout of the building. He noted that the storage lockers being leased by various County Departments could also be discontinued once the lease agreements expired and storage would be provided in the newly leased facility. He noted that Full Circle was in agreement with providing the lawn care and noted that Lisa Peacock and John Bussong were present to answer questions.

Mr. Nixon pointed out that the County's lease with New Salem Baptist Church was only for ten years; therefore, the County could not grant longer terms for any sublease agreements.

Mr. Walker questioned the additional storage that the County would need. Mr. Howard responded that the Building Department, Sheriff's Office and Parks and Recreation had been communicated with; however, he had not heard back from the departments on when their current locker leases ended. He believed there would be ample storage space in the building to accommodate Full Circle and the County departments.

Discussion was held on the heating and air conditioning system and the options on partitioning certain areas off. Mr. Howard noted Full Circle would be responsible for the bills until other storage tenants were utilizing parts of the building and then the utility costs would have to be divided among the users. Mr. Nixon suggested that the cost could be divided by the total square footage and then assess each tenant based on the square footage he/she was leasing. He asked if Full Circle knew how much space they wanted to lease.

## Attachment 3

Mr. Howard responded that Full Circle Thrift was interested in leasing the 'right-half' of the building. Mr. Nixon noted the Sheriff's command unit vehicle was currently being stored at a high cost and asked if this could be transferred to this facility. Mr. Howard did not think the vehicle would fit through the bay doors; however, he would have to check on this. Mr. Nixon suggested this might be a future storage need and that the bay door could possibly be modified for this purpose. He thought this should be kept in mind, since the County was paying to store the unit. Mr. Aylor agreed making the door modification might be cost effective. Mr. Bossio estimated the storage cost to be \$12,000 per year.

In response to further questions, Mr. Howard noted he had planned to use the small meeting room for County storage to keep it separate. He stated if classrooms were needed in the future, then the modular cages could be moved and the space could be renovated for this purpose.

Mr. Howard noted that once the eradication of the mold and mildew was completed there would basically be a shell remaining and no improvements were being planned at this point in time.

Mr. Walker noted he had heard that the concept of Full Circle being able to hold yard sales at the site was being considered and questioned if this needed to be addressed in the lease agreement.

Mr. Bossong noted this was just an idea that had come up. Mr. Walker pointed out it would be good to address in the lease how this activity may be conducted, as well as, allowing flexibility for redoing the storage area if the County found a need to do so. Mr. Aylor agreed and noted that issues involving outside storage and/or how long items could sit outside specifically if the yard sale was held on a weekend. Mr. Bossio noted another issue to consider would be to not block access by other tenants, such as EMS or the Sheriff's Department who could need immediate access.

Mr. Bossong iterated that Full Circle's main interest was to gain storage and the possibility of holding yard sales was just an idea. Mr. Nixon agreed there should be certain provisions in the agreement to address this type activity. Mr. Bossong stated the thought behind the yard sale concept was to keep from having to move every item to the Thrift Store in order to sell it.

Mr. Thorpe asked Mr. Howard if a floor plan for the lease space had been developed. Mr. Howard noted one would have to be drawn. Mr. Thorpe believed this should be made part of the lease agreement along with a statement that it was subject to modification upon agreement by both parties.

Mr. Walker asked how soon the lease could be ready. Mr. Howard estimated it would take approximately a month and discussed that the mildew/mold abatement had to occur and some heat and plumbing repairs are needed so the building could be winterized and the heat turned on. He believed storage could commence in December. The Committee and Mr. Howard agreed the lease agreement could be brought to the Committee in November and recommendation made to the Board in December.

Mr. Howard pointed out that Full Circle Thrift was interested in knowing if the County would be comfortable with the proposed capital and maintenance investments in lieu of paying rent for the space. Mr. Howard questioned how much financial contribution Full Circle would be asked to make toward the renovation of the building. Mr. Nixon suggested that staff should work on this with Full Circle and bring a recommendation back to the Committee. Mr. Walker asked if it was still estimated that the renovations would cost \$60,000. Mr. Howard agreed this was still the estimate. Mr. Walker surmised the lease rate could depend on how much capital was provided up front. Mr. Walker questioned and Mr. Howard explained that based on his discussions with Full Circle, they would be

## Attachment 3

responsible for the outside maintenance and would be responsible for their particular maintenance items, i.e. special lighting, extra electrical drops, in their particular area; however, the County would provide the normal building upkeep maintenance. He said Full Circle would pay the utility bills and once there were other storage tenants, they would be responsible for their portion. Mr. Nixon stated he had no objections to what was being proposed.

Mr. Thorpe asked if there would be a defined area that Full Circle Thrift would have to mow. Mr. Howard noted the County had leased the three acres and the area to be maintained could be flagged.

Mr. Walker asked if a full ten-year lease term was granted to Full Circle Thrift to allow them to gain capital investment payback, how this would be worked out. Especially, if there needed to be a provision in the agreement in case the County needed the space in the future. Mr. Nixon suggested the lease could include specifics regarding the costs for the renovations and utility costs and factor all of this into the lease terms. He suggested factoring all of this in and spreading it out over a three, five, and ten-year agreement term to see what is the most attractive scenario prior to finalizing the term of the lease.

Mr. Bossong suggested basing the lease term on the amount of money contributed. Mr. Nixon stated this was why he suggested figuring the scenarios based on the different timeframes.

Mr. Bossong stated his main concern was with the utility bills. Mr. Walker commented that as long as the store was the only tenant they would certainly be in control of that and once other tenants moved in, it would have to be appropriately prorated. It was noted that some uses might have to be kept warmer or cooler. Mr. Walker added that the taller bay area may be more expensive to heat and questioned if there was plumbing in that area. Mr. Bossong noted there was a bathroom in the area and this would have to be kept at minimum to prevent freezing.

Mr. Aylor advised that if there were tenants using the areas all the time then the costs could be driven up even if they were using less square footage. He stated this would have to be taken into consideration so Full Circle Thrift is not penalized.

Mr. Bussong noted if they occupied the space for a while prior to other tenants moving in, then they should be able to see how much difference it made in the bills. Mr. Aylor stated the formula used had to be fair to both parties. Mr. Bossong stated he knew the County would be fair.

Discussion ensued relative to location of the thermostat and the possibility of isolating this to the bays so Full Circle could have control over it. Mr. Bussong advised the Committee that the timeframe if being allowed to utilize the storage space was not that urgent, because they were considering the long-term benefit. Being allowed to start utilizing the storage space in January was fine and that the space being considered should more than accommodate their needs.

Mr. Howard and Mr. Thorpe agreed they would take the information gathered from the discussion and develop the draft leases as suggested for the Committee's consideration at its next meeting.

Mrs. Peacock thanked the Committee for working with Full Circle on the proposed lease.

**b. Discussion/Consideration regarding renovating the first floor of the Courthouse**

Mr. Howard updated the Committee on the items that had changed since it last reviewed the plans. He noted the revised cost estimate was also included for the Committee's review.

## Attachment 3

Mr. Howard stated a special lift had been added to make at least one judge's bench handicap accessible and the Circuit Court Judge had requested the addition of a stair lift to aid handicap people access from the second floor to the third floor during the renovations.

Discussion regarding the elevator refurbishment ensued.

Mr. Aylor commented he had installed these lifts in homes and that there is a supplier in Richmond that specializes in these units and they also purchase the units back. Mr. Howard stated he was looking at leasing one for this temporary use. He noted the stairwell is not wide enough for permanent installation of a lift, but the Building Official approved its installation on the temporary basis.

Mr. Nixon asked if there was another way to address the handicap accessibility. He noted many churches have a wheelchair lift similar to an elevator. Mr. Howard noted a similar elevator unit was in the former Town Hall; however, he believed it would be more difficult and expensive to install this type unit.

Mr. Walker discussed a previous disturbance with not having handicap accessibility in the courthouse and questioned if it might be advisable to have some type of an agreement that could be used to acquire the equipment in case of a similar emergency in the future.

Mr. Aylor questioned and Mr. Howard clarified that the proposed chair lift would only go from the second to the third floor. He noted the quote for the purchase of a new lift was approximately \$15,000. The \$10,000 lease figure included the installation, removal and use of the unit for 45 days.

Mr. Nixon remarked it might be better to purchase the unit and leave it in place. Mr. Aylor believed Mr. Nixon had raised a good point, and noted there was a market for used equipment. Mr. Nixon suggested the rail system could be left installed and the chair removed and stored which would address Mr. Walker's concern. He said he would prefer paying \$15,000 and owning the unit versus paying \$10,000 for 45 days usage. Mr. Howard stated many complaints came from non-handicapped people who could not make it up the steps and there are ADA issues as well.

Mr. Nixon recalled reading that the ADA regulations allowed non-compliance during a renovation period as long as you become compliant at the completion of the renovations. Mr. Bossio agreed, but noted the real issue was how the judge is receiving complaints from the general public and the attorneys.

Mr. Nixon stated the complaints are non-ADA related and the County will be spending \$10,000-\$15,000 and would not be resolving the complaint issues.

Mr. Walker asked if these would be bid options or it would be a total package. Mr. Howard cited the following items would be in the base bid: stair lift installation, elevator refurbishing, and he already had the bid price on the security and video enhancements requested by the Sheriff's Office.

Mr. Nixon asked why this was all coming now, because an extensive review of the plans had been conducted. Mr. Howard explained that the elevator repairs were more extensive, because the new piston did not solve the problems. He said the elevator is basically worn out. Mr. Aylor reemphasized that the stair lift could not be permanent due to the code requirements. Mr. Howard agreed and noted he would investigate whether or not the hardware could be left up so the chair could be reinstalled if needed. Further discussion ensued on the width of the stairwell being a half-inch too narrow once the lift is installed. Mr. Howard discussed the issues involved.

Mr. Thorpe asked if an appeal should be filed. Mr. Howard stated he would not recommend

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doing this. Discussion ensued relative to the installation and how people had been injured on the lift, currently installed in a much wider space, in the Galbreath-Marshall building. These injuries were not from riding the unit, but by running into or items getting caught on it somehow. He said putting one in a narrow stair well would be even less safe. The Committee and Mr. Howard discussed the issues further.

Mr. Walker questioned the \$50,000 cost of the judges' benches. Mr. Howard noted the most economical bullet proof material was being used and they were not fancy benches.

Mr. Nixon suggested the possibility of putting a handicap ramp off of Davis Street to the main entrance of the Courthouse. Mr. Howard noted this had not been considered, but he would look into this. He did not believe there was enough room to clear the columns.

In response to questions, Mr. Howard noted there was \$1.6 million financing available and he was hoping that the bids would come in lower. Mr. Nixon believed, considering the costs, the lift should be purchased, and if it could be installed in another location at a reasonable cost, so it could be used in the future, this should be considered as well.

Mr. Howard noted the bids would be brought back to the Committee at its November meeting.

Mr. Aylor asked if the Committee was comfortable proceeding with the bids based on the recommendations as stated. There were no objections to staff advertising for bids.

**NEW BUSINESS**

✓ a. **Discussion/Consideration of options for establishing Giles H. Miller, Jr. Memorial Building**

Mr. Howard noted the Rules Committee had discussed naming the former Wachovia Bank building after Mr. Giles H. Miller, Jr. as a memorial to the contributions he had made to the Town and County of Culpeper. He described the proposed lettering to be placed on the building and the color scheme. He noted an interpretive sign with historical information pertaining to Mr. Miller was being proposed for installation on the inside alcove area. He noted the estimated cost was \$1,300 to \$2,000 to complete the work.

Mr. Walker moved, Mr. Nixon seconded, to recommend to the Board approval of the plan for naming the former Wachovia Bank building, located at 151 N. Main Street, the Giles H. Miller, Jr. Memorial Building. The motion carried with all Ayes.

**ADJOURNMENT**

Mr. Nixon moved, Mr. Walker seconded, to adjourn. The meeting adjourned at 8:50 a.m.

- ➔ Indicates subject with recommendation  
✓ Indicates recommendation forwarded

**PERSONNEL COMMITTEE**  
**Thursday, October 15, 2009**  
**10:00 a.m.**

Members Present: Steve Nixon, Chairman; Sue Hansohn, Steve Walker  
Staff Present: Frank Bossio, Roy Thorpe, Chasity Croson, Donna Foster, Valerie Lamb  
Others Present:  
Press Present: None  
Members Absent: Brad Rosenberger

**CALL TO ORDER**

Mr. Nixon called the meeting to order at 10:10 a.m.

**AGENDA APPROVAL**

The agenda was accepted as distributed.

**UNFINISHED BUSINESS**

\* a. **Consideration of the Reduction in Force (RIF) Policy of the Personnel Management Plan**

Mr. Nixon noted during the last Committee meeting the RIF plan was reviewed and there were several changes and suggestions the Committee made. Ms. Croson incorporated those changes and reviewed them for the Committee. She noted that most of the changes were made in the severance section beginning on page 4. She recalled that one of the suggested changes was to make the voluntary severance more streamlined and clear and, for the involuntary severance, eliminate some pieces of it. She stated the severance is based on tenure in the revision and no changes were made to payment for years of service. An overall performance severance chart was added in item 5 and outlined that the severance would be based on the employees weighted score. Mr. Nixon asked that on item 5, the word "may" be highlighted in the final version of the policy so everyone understands that it is not a guarantee. Mr. Thorpe asked who made the determination concerning performance severance. Ms. Croson believed it was the County Administrator's determination. Mr. Nixon thought that the Department Head would make the recommendation then it would be approved through the normal process.

Ms. Croson stated that item 6 under Severance was revised to include payment of health insurance premiums. Mr. Nixon commented he assumed that was for the employee only, but the plan does not specifically state that. Ms. Croson confirmed it did not specify the employee only and agreed with Mr. Nixon that it needed to be clearly stated. Ms. Croson continued, saying, the only other addition was the payment for the health insurance premium could be distributed to the employee or the appropriate carrier.

Ms. Croson distributed a hand out (see copy) displaying the differences in pay out between voluntary and involuntary severance.

Ms. Hansohn asked for an example of what the process would be in the event of an involuntary RIF, would it be based on last in first out or performance. Mr. Bossio answered it would be based on a combination of things including length of employment and performance plus the options of inter-agency transfers if another job was available, voluntary RIF; or finally involuntary RIF. He concluded ultimately it would be the Department Head's decision based on performance, how long the employee had been there etc. Ms. Croson added under the Involuntary section of the RIF plan if a department has to take the involuntary route and has 5 people in a position for example, then it would be based on tenure and performance. A discussion of several scenarios followed.

Mr. Walker, using the Building Department as an example, commented for clarification that the involuntary RIF would not apply to the whole department it may just apply to inspectors or planners or clerks for example. Mr. Bossio confirmed that a RIF would be identified by position and not by specific people. Mr. Bossio would identify the position to be reduced and the department head would ultimately identify who would be affected. Mr. Bossio remarked the issue is to keep the best service for the department. Mr. Nixon questioned if a department head felt that their department would be better served by cutting a position other than the one identified, could they justify another position being cut versus the one identified. Mr. Bossio indicated the department head would have an input but would have to clearly justify their reasoning.

Ms. Hansohn commented that process could not be followed with the Sheriff's Office or the other Constitutional Officers. Mr. Bossio replied that was correct for them it would have to be addressed in the budget process. He added that he and Ms. Lamb were meeting with each of the Constitutional Officers to let them know there are cuts this year that the County cannot make up. He and Ms. Lamb were attempting to do everything possible to handle it internally but if they cannot solve the problem internally, then they will bring the issue to the Board. Ms. Hansohn said then we would give them a certain amount and they do with it whatever they want. Mr. Bossio advised at that point in time and assuming there are no more cuts from the governor he felt Ms. Lamb had it solved for this year.

Mr. Walker asked if the Constitutional Officers would be offered the ability to use this if they have not signed the agreement. Mr. Nixon added if they like the Personnel Plan then they should adopt it, because it is not fair for them to use bits and pieces of it. Mr. Walker noted the need to make it beneficial for the Constitutional Officers to participate in the Personnel Plan because the voluntary RIF is costing the County money to provide it. He questioned if they were not part of the plan are they allowed to use the Voluntary RIF program. Mr. Bossio commented that the only thing he knew for sure was the Treasurer and Commonwealth Attorney had both signed and the Sheriff was having his reviewed by the Sheriff's Association Attorney but is expected to sign. He was not sure about the Commissioner of the Revenue or the Clerk of the Court yet.

Ms. Hansohn asked if the RIF plan could be offered to Human Services/Community Services Board, all of those that may have issues and this could work for. Ms. Croson believed Human Services fell under the State RIF policy and because they are a non-deviating agency which meant every employee they have is considered a state employee.

Mr. Nixon commented that the County has put forth a tremendous amount of effort to put a Personnel Management Plan in place that is fair to everyone. He felt the Constitutional Officers could benefit from a specified policy that gives them credibility. He could not see why

they would not want to avail themselves to that opportunity, he felt they should sign on if they want to use it. Ms. Hansohn thought the plan should at least be shown to other agencies and they can chose to use something like it if want to.

Mr. Walker asked if the County wanted to offer the voluntary benefits to somebody who is not part of the Personnel Plan and is it legal to do. Mr. Thorpe replied it is certainly legal because it is just another way to help the Constitutional Officers run their offices. He felt it was a budgetary issue because if it was offered to Constitutional Officers and they use it what was the price tag and can the County afford it. Mr. Nixon felt it was an ethical question, if they adopt part of the policy then they should have to use it all. Mr. Walker agreed if they sign off on the entire policy then they could use it. Ms. Croson noted the schools have a different policy. Mr. Bossio commented if they use it then should have to have it in their own budget.

Mr. Thorpe wondered if the Constitutional Officer's would expect if they signed off on the voluntary RIF program that the County would supplement their budget further to help them buy out their own employees voluntarily. Mr. Bossio explained that the County Departments and Constitutional Officer would have to have the money remaining in their own budgets to fund the voluntary RIF's, he was not contemplating any extra money going into the RIF program. A brief discussion of the involuntary RIF procedures followed and concluded with Ms. Hansohn asking who would make the decision. Mr. Bossio replied with the Board's concurrence it was his intent for him to be the one to decide he just needed the tool to do it with.

Mr. Nixon referring back to the question of Constitutional Officers participation commented if they decided to adopt the voluntary RIF program then they would have to have the money in their budgets to support it. He felt that point needed to be clear because the County cannot provide extra funding to do it. Mr. Bossio stated the whole process starts by looking at revenues versus expenses. Using the Building Department as an example, although they are doing the same amount of inspections as previous years they don't generate the same amount of revenue, as a result the County will have to look and see where the budget will be at the end of the year. If revenues are not increased or the grants are not received then positions may have to go away via voluntary RIF followed shortly by involuntary RIF. The same may be true for the Constitutional Officers, if the Governor cuts their budgets again, then they will have to look in their budgets to see if they can support a RIF and make a decision by January or February at the latest. Mr. Nixon was concerned they may not have money left in their budget to do what they want to do, in that case they would have to look at an involuntary RIF to cut their costs even more.

Mr. Walker was concerned the Committee was confusing the self balancing requirement of the early retirement program with RIF, he did not believe it is the same with RIF policy. Ms. Croson did not believe the policy specified. Discussion ensued on the need to specify in the RIF plan the department/office budget responsibilities. Ms. Croson noted that another thing to consider was in the case of involuntary RIF the County will still have to pay unemployment benefits and that needed to be taken into consideration. Mr. Bossio commented that was why the policy says you 'may' get these benefits. He also felt the policy needed to clearly state that funding for RIF must come from the current budget. Mr. Nixon agreed and recited, RIF can only be offered if money is available in the current budget, as an addition to the policy. Mr. Thorpe recommended that addition be put on page 1 where the definition for RIF appears. Ms. Hansohn recommended that it appear on page 3, under pre-implementation also.

Ms. Croson discussed involuntary severance with the Committee and noted it does not include performance compensation or health insurance premiums the only compensation is for tenure. Mr. Thorpe added the County needs to reserve the right to involuntarily terminate an employee without any financial payout if there is no money available to fund the RIF policy. Mr.

Nixon agreed with Mr. Thorpe and stated that should be the statement that appears in the RIF policy for both voluntary and involuntary. He added the statement should read the RIF policy is contingent on available funds to fund either the voluntary or involuntary RIF's in the departments current budget cycle. Discussion of various scenario's followed.

Ms. Lamb suggested when discussing funding in the budget for RIF another issue to consider was vacation pay. She indicated that the pay out in some cases was very large. Mr. Bossio commented that vacation payout usually comes from the general fund not from the department's budget. Ms. Lamb added that the vacation pay out was usually recouped before the department hired someone else and that will not be the case with the RIF. Mr. Nixon noted vacation pay is a benefit paid out regardless of the reason for leaving County employment and suggested the RIF policy should also state other benefits ordinarily due will be calculated first. Mr. Bossio agreed. Ms. Hansohn felt the policy and all Constitutional Officer intending to participate needed to be in place by the end of December. Mr. Thorpe suggested the policy needed to be approved at the next Board meeting.

Mr. Nixon asked Mr. Thorpe and Ms. Croson to work together on the correct wording for the recommended changes, then circulate the revisions to all Committee members and Mr. Bossio in time to present the completed policy to the Board at the November meeting. Mr. Thorpe asked if a timeframe for completion of the RIF action should be stated in the policy. The Committee felt since this would be a permanent policy there was no need to state a specific timeframe.

Ms. Hansohn asked how many people took advantage of Voluntary Early Retirement Program. Ms. Croson replied there were 2 confirmed and 2 still being finalized. Mr. Nixon asked what the total savings were. Ms. Croson was uncertain because one position was filled with a part-time employee and she was not certain what the final disposition of the other was. She believed the potential savings would be between \$101,000 and \$48,000 over a two year period depending on how or if the positions are filled.

Mr. Walker referring to his original question regarding Constitutional Officers commented it did not matter if they were a member of the personnel policy since the budget constraints were added but if they wanted to follow the personnel policy that was okay too. He also commented that he liked the revisions to the RIF policy, especially the incentives of voluntary RIF over the involuntary, he felt the policy was more effective now.

Mr. Nixon asked if the Committee was prepared to make a motion.

✓ Mr. Walker moved, Ms. Hansohn seconded, to forward the policy to the board to include the amendments discussed. The motion carried with all Ayes.

### **ADJOURNMENT**

At 10:45 a.m.

**Pending Item(s):** Consideration/discussion of new position and classification: Fire Official – Grade 9

- Indicates subject with recommendation  
 ✓ Indicates recommendation forwarded

**PUBLIC WORKS COMMITTEE**  
**Tuesday, October 13, 2009**  
**1:30 p.m.**

Members Present: Sue Hansohn, Larry Aylor, Tom Underwood  
 Staff Present: Frank Bossio, Roy Thorpe, Paul Howard, Jim Hoy, John Egertson, Donna Foster  
 Others Present: Steve Walker  
 Members Absent: None

**CALLED TO ORDER**

Mrs. Hansohn called the meeting to order at 1:30 p.m.

**Approval of Agenda**

Mr. Underwood moved, Mr. Aylor seconded, to approve the agenda as distributed. The motion carried with all Ayes.

**CLOSED SESSION**

Mr. Aylor moved, Mr. Underwood seconded, to enter into closed session, as permitted under the following *Virginia Code* Section, and for the following reason:

1. Under *Virginia Code* Section 2.2-3711(A)(30), to discuss the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

The motion carried with all Ayes.

The Committee entered closed session at 1:33 p.m. The Committee reconvened in open session at 2:14 p.m.

Mrs. Hansohn polled the members regarding the closed session held. She asked the individual committee members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Underwood, Mr. Aylor, Mrs. Hansohn all responded Aye.

**ADJOURNMENT:** The meeting adjourned at 2:15 p.m.

**Pending Items:**

- Indicates subject with recommendation  
✓ Indicates recommendation forwarded

**RULES COMMITTEE MEETING**  
**Board Room – 302 N. Main Street**  
**Tuesday, October 13, 2009, 2009 - 9:00 a.m.**

Members Present: Steve Walker, Steve Nixon, Tom Underwood  
Staff Present: Frank Bossio, Roy Thorpe, Bob Orr, Jeff Jeb Paarfus, Russell Lane,  
Paul Howard, Alan Culpeper, John Egertson, Donna Foster  
Others Present: Raven Yates, Tadd Loving, Gary Lee  
Members Absent: None

**CALL TO ORDER**

Mr. Walker called the meeting to order at 9:03 a.m.

**AGENDA – Approval of Agenda**

The agenda was accepted as presented.

**UNFINISHED BUSINESS**

**a. Update regarding request from State Theatre Foundation for building permit refund**

Mr. Bossio noted based on the Committee's discussion of this item at its last meeting, staff was to determine how much money the County had spent on inspection services versus how much money the State Theatre Foundation had paid for the building permit. He stated the State Theatre had not required any inspections at this point in time; therefore, the County had not spent any money on these services.

Mr. Orr stated the Department had only expended review and administrative time on the project and he did not expect that outside inspections services would be used. He explained that, if an outside inspection agency was desired, the owner would have to retain the one of their choice. Mr. Orr stated concrete and steel inspections are not covered under the code; however, his department could handle everything else.

Mr. Underwood asked Mr. Orr if there would be a need for any extra labor or materials beyond what the Department already carried as overhead. Mr. Orr stated nothing extra would be needed.

Mr. Walker questioned if normally the County would not grant any rebates until after the project is completed. Mr. Bossio stated typically this was the case. Mr. Walker favored staying consistent with the County's normal procedures. Mr. Underwood stated he agreed and if there were extenuating circumstances related to this request then the Committee needed to be made aware of them.

Ms. Yates, Executive Director/State Theatre Foundation, clarified they were not requesting that the Board make an exception. They were requesting that consideration be given to granting the Foundation a refund of the building permit fee it had paid.

Mr. Underwood stated he had no problem with the refund as long as it was kept consistent with what the County had done in the past. Mr. Nixon questioned why the Foundation was not informed of the normal process upfront.

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Mr. Bossio believed it was a lack of communication and noted he had explained the process, but had not specified that the request for the Board's consideration of a refund is normally handled after a project is completed. He said he would add that in the future.

Mr. Underwood asked if the Committee should recommend the rebate upon completion, so it would not have to be reconsidered. Mr. Bossio asked that the Committee keep in mind that one reason for not making a refund until after the project is complete is because it involves a fairly large sum of money and this was important to both the County and the Foundation. He stressed that it would end up being an additional \$17,000 shortage in the County revenues, which was okay if the Board approves it, but he wanted to make sure the accounting is correct.

Mr. Nixon pointed out that there could be additional expenses that they may request a refund for and the Board would have to consider or they could wait and do it all at one time once the project has been completed.

Mr. Walker noted the Foundation members now had experience on how the process works and explained that once the project is complete their request could be considered.

**b. Consideration of proposed amendment to Chapter 6 Building Regulations of the Culpeper County Code by enactment of Section 6.4 Enforcement of the uniform Statewide Building Code, Part I, Virginia Construction Code and Part III, Virginia Maintenance Code, to include sections identified as "unsafe structures or structures unfit for human habitation"**

Mr. Orr noted the background of previous consideration on this issue and noted there had been changes made to the Uniform Statewide Building Code (USBC) that can be used to address structures that could cause imminent or major danger. He noted currently the portion of the USBC that the County enforces is only enacted upon tenant complaint. Since 2007, there have been 22 instances where structures have been damaged by fire, automobiles striking them, and storm damage and the code changes would allow him more authority to require securing or vacation of a property for safety reasons. Mr. Orr iterated that the intent was to make the buildings safe and for compliance. The code does allow razing or demolition if it gets to that point.

Mr. Paarfus, County Building Inspector and member of the VBCOA Region IV Property Maintenance Code Committee, was present and could answer questions since he attends the meetings on code development. Mr. Orr reiterated that the proposed changes were based on a small portion of the Virginia Maintenance Code to address dangerous structures.

Mr. Underwood asked if the County was currently legal without a change. Mr. Orr stated no, because he was responding and making recommendations and if someone does not adhere to the recommendations, he had no authority to make them comply. Mr. Underwood stated he understood this, but questioned if the County's code was in compliance with federal and state law.

Mr. Thorpe responded yes, because the mandatory provisions have been adopted and this was an optional provision.

Mr. Nixon referenced the last discussions on the Virginia Maintenance Code and how it addressed the number of occupants allowed within a structure. He stated at that time the Building Department indicated it was not in favor of adopting that portion of the code, because it would be difficult to enforce, manage and administer. However, now there was a different position on adopting this portion of the code and asked how the Department would be able to enforce this portion.

Mr. Orr noted the overcrowded occupancy portion was not being included in this proposal.

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Mr. Nixon stated he understood this; however, the proposed portion deals with habitability issues. Mr. Orr clarified that this would deal strictly with structural integrity and had nothing to do with the number of occupants. He noted Mr. Paarfus was trained in the administration of the code.

Mr. Paarfus noted this proposed amendment would clear up authority issues, but would not require inspections. It would allow the inspector to respond to conditions as they arise through fire, vehicle collision, etc. He noted if the structure is left in a situation where it creates a problem with health, safety and welfare of the residents then the Department would have the ability to respond. Mr. Paarfus stated the law allows the County to adopt certain portions to allow them to do their jobs better and does not require them to adopt the entire State maintenance code. He did not believe it would create any additional expenses or inspections; obviously there would be a need to do inspections to ensure correction of any damaged structures.

Mr. Nixon countered that there would have to be additional inspections made based on Mr. Paarfus' statement regarding inspections having to be made to ensure that the damaged property had been repaired and even though there may not be a charge to the owner, it would be an extra inspection. He stressed that he understood what the Department was trying to do; however, he had a problem with adding another layer of inspections on the general residential population. Mr. Orr clarified that there had been a number of commercial structures that had been damaged by vehicle accidents, etc. that his department personnel had responded to.

Mr. Thorpe explained that the inspectors were already performing the inspections without the benefit of having clear legal authority to do it and that Mr. Orr was asking for this legal tool to ensure that what was being done was in accordance with law. Mr. Orr agreed. In response to a question by Mr. Thorpe, Mr. Orr agreed the proposed ordinance change should not have an affect on his departmental budget or manpower.

Mr. Bossio emphasized that staff was performing the inspections and making recommendations; however, the County Inspectors had no legal authority to require the individuals to follow the inspector's instructions. He cited an example of a house where the County received numerous complaints and the only recourse the County had was to declare the home uninhabitable. Mr. Orr noted these "spot plight" situations usually involved the attorneys and took up to ninety days to address.

Discussion ensued with Mr. Thorpe questioning if a vehicle ran into and damaged a building, what authority the Building Official would have to address the situation, if the owner requested that he leave his property. Mr. Orr stated he did not have any authority. Mr. Thorpe asked if Mr. Orr had authority in the described situation to close a business to prevent people from entering an unsafe building until it is repaired. Mr. Orr stated he did not have the authority.

Mr. Underwood asked if the ordinance could be limited by zoning classification. Mr. Thorpe stated no. Mr. Underwood said until the State provided sufficient authority to craft the ordinance as the Board wanted, he was opposed to it. He wanted the flexibility to adjust the ordinance by zoning classification or use, because for the Board to protect the public in a public area makes sense, but for the Board to protect it in a private area was different. He did not believe the role of government was to protect people from themselves.

Discussion ensued. Mr. Nixon said he was in favor of helping the inspectors perform their jobs, but cited an illustration of when it could prove to be a cost burden for the homeowner. Mr. Underwood agreed and further discussed his views on the matter.

Mr. Bossio stated he understood Mr. Nixon and Mr. Underwood's concerns and suggested that it was the need to balance out providing protection for the citizens.

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The Committee and Mr. Paarfus cited and discussed instances of damaged property and how the safety issues need to be addressed. Mr. Nixon stated he realized that Mr. Orr and Mr. Paarfus would be reasonable when conducting the inspections; however, he had experience with some inspectors not being reasonable and he would like to guard against that.

Mr. Nixon suggested that rather than continuing the discussion at this meeting, he would like time to further study the proposed amendment.

Mr. Nixon moved, Mr. Underwood seconded, to postpone the matter for thirty days.

Mr. Walker asked if Mr. Thorpe thought there was anyway to alter the language to make it more palatable and answer some of the concerns. Mr. Thorpe responded that based on the Dillon Rule, the County was limited to what the State Code allows.

Mr. Walker recognizing the motion to postpone called for a voice vote. The motion carried with all Ayes.

Mr. Nixon reemphasized his need to more thoroughly review the proposed amendment. Mr. Orr and Mr. Paarfus stated they would be happy to meet with anyone and answer questions.

**NEW BUSINESS****a. Consideration of the proposed Towing Advisory Policy and recommendation to schedule public hearing on same**

Mr. Lane presented the recommendation from the Towing Advisory Board noting that the proposed towing policy was to promulgate procedures for law-enforcement-requested towing services.

Mr. Underwood questioned who voted against the policy and why. Mr. Lane believed Rusty Crow, Rusty's Towing, and David Corbin, C & C Shell, cast the two negative votes. He said, based on his recollection, he believed they were opposed because it appeared the heavy-duty wrecker owners were being favored. He discussed the weight limit requirements and how having two heavy duty wreckers was being included as a requirement. Mr. Lane stated Mr. Crow and Mr. Corbin thought only one should be required; however, most localities have this requirement in order to handle situations involving tractor-trailers or large units, which may take multiple wreckers to turn them right side up.

Mr. Walker stated there had also been concern raised with not allowing two different companies to respond. Mr. Lane noted it was the law enforcement officer's responsibility to keep the road area clear and allowing the wrecker owners to call each other for assistance was not the desired method.

Mr. Underwood asked how many towers could meet this requirement. Mr. Lane estimated there were eleven on the tow rotation list and there were two that were heavy-duty towers: Troilo and Tommy's Towing provided they sign up.

Mr. Underwood asked if there were possible negatives if only one company was signed up as a heavy-duty tower. Mr. Lane stated in the case of a snow storm situation and multiple oversized vehicle accidents, the law enforcement officer in charge would not be bound by the policy and could make the decision on who and how many to call.

Mr. Underwood questioned the make up of the Towing Advisory Board. Mr. Lane noted there were three towers, three law enforcement officers, and one citizen. The vote was further discussed.

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Mr. Thorpe noted he had worked closely with Mr. Lane on this issue and had received numerous phone calls as the policy was being developed. One of the misconceptions was that once the policy is adopted it could not be changed. He noted that the policy could be changed at anytime provided the adoption procedures are followed.

Mr. Walker questioned if the County had authority to initiate a change. Mr. Thorpe noted it was not specified in the County code; however, nothing prevented the Board or citizens from asking the Towing Advisory Committee to consider changes. He noted the Board of Supervisors had the right to amend, alter or repeal any provision of the regulations so promulgated.

✓ Mr. Underwood moved to recommend the Board hold the public hearing and consider the adoption of the proposed policy. Mr. Nixon seconded the motion.

Following a further brief discussion, the motion carried with all Ayes.

**b. Consideration of request regarding reservation of co-location space on the Rixeyville communication tower from Verdun Adventure Bound, Inc.**

Mr. Culpeper stated that Mr. Randall Allen, project manager for Verdun Adventure Bound, had requested the co-location space to operate an FM education radio station. He briefed the Committee on the application, fee requirement, and procedures. He stated he thought the applicant was going to be present; however, he was not. Therefore, Mr. Culpeper presented the details of the request. He noted the applicant would like a waiver or reduction on the co-location fee and would like to not pay any lease fee until the FCC approval had been received at which time a structural analysis of the tower would be conducted to make sure it will hold the antenna and also an inter-modulation study would have to be conducted to make sure there is no interference. They want to reserve the space at 246 feet.

Mr. Culpeper stated he had informed Mr. Allen that there were no other parties expressing interest in reserving space on this particular tower and if any came forward he would inform Mr. Allen of this. Mr. Culpeper thought this might be a more cost efficient way to handle the issue; however, Mr. Allen wanted to reserve the space to ensure no one else could take it.

Mr. Walker questioned the fee. Mr. Culpeper noted the lease fee for 246 feet would be \$3,075 per month and the application fee is \$2,000. He stated Mr. Allen was requesting an incentive fee since it was for an educational radio station. Mr. Culpeper noted that a special start up incentive fee had been granted to Virginia Broadband in 2005.

Mr. Thorpe asked if the Verdun Adventure Bound was a 501C3 tax-exempt organization. Mr. Culpeper thought that was correct. Mr. Bossio stated his recollection of conversations with Mr. Allen were that he thought being able to show that a reservation of space for this antenna would help with their FCC application and would help differentiate them from others, because the frequency spectrum is getting so crowded. Mr. Culpeper believed this was correct.

Mr. Nixon stated he understood that you have to have the ability to transmit on the frequency once the approval is granted so having the reservation may be irrelevant. He said he liked Adventure Bound and worked with the Boy Scouts, but questioned why they should be exempt from paying the application fee.

Mr. Walker stated that as demonstrated earlier in the meeting, if the Board wished to make an exception, it would be after the normal process had been followed. He believed they needed to pay

## Attachment 6

the application fee and complete the process and then plead their case for a rebate/refund. Mr. Nixon stated that if they applied and did not get approved by the FCC, he felt certain the Board would consider a request on refunding the money. Mr. Walker agreed.

Mr. Walker asked if Mr. Culpeper could provide a summary on the tower occupancy. Mr. Culpeper noted approximately \$209,000 in revenue was being received per year; Mitchell's Tower does not have any co-location occupants (Virginia Broadband has one, but has not put up any equipment); Laurel Valley Tower has Cingular/AT&T, Nextel and Virginia Broadband; Rixeyville Tower has Cingular/AT&T and Virginia Broadband; and Lignum has Cingular/AT&T, Nextel and Virginia Broadband. He stated approximately a year ago, Verizon had requested co-location space on Laurel Valley, Rixeyville, Lignum Towers and the water tank at Clevenger's Corner; however, they had merged with Alltel and the requests had dropped by the wayside. He stated he had conversed with their co-location acquisition specialist and he believed they would be still pursuing the space.

Mr. Walker asked if Verizon had paid a \$2,000 application fee for each tower. Mr. Culpeper stated the application fees had been paid. Mr. Walker stated this presented a precedent that even if the space was not going to be used immediately the application fees are paid.

Discussion ensued with Mr. Underwood asking how long the application fee reserved a space. Mr. Culpeper stated he had not had a situation like Verizon's before and stated usually contracts are completed with a month or two following the application fee being submitted. Mr. Nixon stated the reservation should not be for an indefinite period of time. Mr. Culpeper agreed with the Committee that a time limit for completing the contract should be specified on the application. Mr. Walker questioned the budget. Mr. Culpeper explained that about \$49,000 was budgeted for tower expenses per year and this was always utilized. He discussed the various expenses.

Mr. Underwood asked how much the towers cost and what was their life expectancy. Mr. Culpeper stated the towers cost about \$350,000 each, with the exception of the Mitchell's site, which involved a lot of rock, and this increased the cost by approximately \$40,000. The life expectancy of the towers is thirty years and noted a tower inspection is performed every five years.

Mr. Underwood asked if there was a tower reserve for preventive maintenance or replacement of towers. Mr. Culpeper stated no.

Mr. Nixon stated the County probably should allow for this.

Mr. Underwood asked what the projected internal rate of return over the life of the towers. Mr. Culpeper stated he could not answer that question. Mr. Bossio noted the answer could be provided and reminded the members that the main purpose for the towers was public safety. A brief discussion ensued.

A brief discussion ensued regarding the request from Verdun Adventure Bound, Inc. and if a motion was needed.

✓ Mr. Nixon moved to recommend that the Board not grant a variance from the normal application procedures. Mr. Underwood seconded the motion.

The Committee agreed that Verdun Adventure Bound could still request a refund in the future especially if the FCC approval was not granted. Mr. Bossio noted that Mr. Allen would be informed of the recommendation and advised of the normal application procedures.

The motion carried with all Ayes.

## Attachment 6

Mr. Walker asked if Mr. Culpeper could prepare a spreadsheet on the potential maintenance costs and revenues. Mr. Bossio stated this would be prepared for the Committee's next meeting.

**c. Consideration of proposed amendment to Article II, Planning Commission, Section 2-17 of County Code to comply with the Virginia Code regarding terms of membership**

Mr. Thorpe briefed the Committee on how the County Code established a three-year term for planning commission members and this was inconsistent with the State Code, which designated that the terms shall be for four years. He noted this was primarily a 'housekeeping' matter.

✓ Mr. Underwood moved, to recommend the Board approve holding a public hearing on this matter and consider amending Article II, Planning Commission, Section 2-17 of County Code to comply with the Virginia Code regarding terms of membership. Mr. Nixon seconded the motion.

Mr. Underwood noted he had conversed with Debbie Hoffman concerning the terms of the Planning Commission members. He noted there were no term expirations until 2012 and that six members had been appointed within the last year. He briefly discussed his concerns with the way the terms were staggered and that there were no appointments needed (barring resignations) until 2011.

Mr. Bossio and Mr. Nixon suggested during the next appointment period the terms could be extended or modified to achieve the desired staggering dates.

Mr. Walker asked if this concern could be addressed with the proposed amendment that was being considered at this meeting. Mr. Thorpe recommended that staggering of terms should be further considered and addressed separately.

Mr. Walker called for a voice vote on the motion. The motion carried with all Ayes.

**ADJOURNMENT**

On motion by Mr. Nixon, second by Mr. Underwood, the Committee adjourned at 10:02 a.m.

**Pending Items:**

- Discussion of fireworks display approval procedure
- Discussion regarding Closed Session policy/recommendations
- Review Rules of Procedure (Nov. 2009)
- Discussion regarding the history of the Planning Commission

- Indicates subject with recommendation  
✓ Indicates recommendation forwarded

***Town/County Interaction Committee Meeting  
Tuesday, October 27, 2009  
7:30 a.m.  
Board Room- 302 North Main Street***

County Members Present:	Tom Underwood, Chairman, Steve Nixon, Steve Walker
Town Members Present:	Bill Yowell, Bobby Ryan (alternate for Mr. duFrane)
County Staff Present:	Frank Bossio, John Egertson, Donna Foster
Town Staff Present:	Jeff Muzzy, Chris Hively, Wally Bunker
Others Present:	Pranas Rimeikis, Larry Aylor, Brent Sprinkle, John Giometti
Members Absent:	Duke duFrane, Laurel Gravatte
Press Present:	None

**CALL TO ORDER**

Mr. Underwood called the meeting to order at 7:30 a.m.

**AGENDA APPROVAL**

The agenda was accepted as presented.

**UNFINISHED BUSINESS**

**Town Item:**

**Outer Loop Road – VDOT Update**

Mr. Underwood noted this item was of interest to the Town and County.

Mr. Egertson noted he had placed a western outer loop funding summary at each members place. He noted the funding as listed had been formally approved, but pointed out that the cost of the project is rising due to the anticipated need for additional improvements on Route 522.

Mr. Egertson noted Brent Sprinkle, Assistant District Administrator for Engineering in Culpeper, and John Giometti, L & D Engineer, were present to address the matter and answer questions.

Mr. Sprinkle noted that currently VDOT surveyors were performing fieldwork for the project and they would be working on the preliminary design. Mr. Giometti indicated that surveying could be complete in January, preliminary design would be done in 2010, with the goal being to hold a public hearing early in 2011.

## Attachment 7

Mr. Yowell noted Council had not considered it and asked if the Board had. Mr. Bossio noted that the Board was waiting until the Council could consider the matter at its retreat.

Mr. Muzzy suggested that the Staff could continue to discuss the various issues involved with this item. He noted the Town had hired a Planning Director and they would be meeting with Mr. Bossio on Thursday to discuss some of the process issues. He believed progress was being made at the staff level.

Mr. Nixon voiced his thought that the item should remain on the pending list so Staff can report the status of their considerations at the next Committee meeting. Mr. Underwood asked if Staff anticipated having anything worthwhile to report at the next meeting.

Discussion ensued with Mr. Underwood recounting that he, Mr. Nixon, and Mr. Walker, as the Board's representatives on the Interaction Committee, were trying to find ways to create efficiency and also improve the customer service experience. He stated during prior discussions it was noted there were so many different directions that a citizen must go in to complete the planning and zoning process that it was questioned if perhaps there is a better way for this to be done. Mr. Bossio noted that these were some of the things that he and Mr. Muzzy would be considering during their meeting later in the week. He said they could report back to the Committee; therefore, it would be worthwhile keeping this item on the agenda.

Mr. Nixon stated this would provide more of a basis for deciding how to proceed.

Mr. Yowell noted that Mr. Jenkins had championed this particular cause and he was no longer on Council. He stated this matter was not ranked as high on the priority list by him and some other council members, but agreed it was important to discuss ways of streamlining the permitting process for citizens and he believed parks and recreation would be a good area where the Town could benefit from the County's assistance.

Mr. Nixon stated once the staffs get together and discuss areas where there may be some common ground and ways to improve efficiencies, the governing bodies may or may not want to combine the departments, but certainly there should be areas for streamlining. He believed it would be good to continue to explore ideas.

Mr. Muzzy said it may not be limited to just the two departments mentioned, because he and Mr. Bossio were discussing other areas as well.

Mr. Underwood stated anything that can be done to improve the customer/constituent experience, would be worthwhile pursuing.

Following a further brief discussion, it was agreed that the Staffs would provide a report back to the Committee at its next meeting.

**ADJOURNMENT**

The Committee adjourned at 7:45 a.m.

## Attachment 7

Mr. Walker asked if there was anything that the two governing bodies could do to help VDOT. Mr. Giometti responded not prior to the public hearing stage, but then assistance with right of way acquisition would be beneficial.

Mr. Walker noted there had been prior discussion regarding crossing Bald Run area and possible flood concerns.

Mr. Sprinkle noted the various concerns would be taken into consideration in order to try and minimize the impact on the stream area.

Mr. Nixon asked if his understanding was correct that it would take a year and half to complete the engineering study. Mr. Giometti noted it would take about one year to get it ready for public hearing and stated this was fairly fast for a project this size.

Mr. Nixon stressed that the money was available and he feared that as time lapsed the money could be shifted and to avoid this, he would like to see the project move forward. Mr. Giometti assured the Committee that they would work with Mr. Egertson and other staff to keep things moving on the project.

Mr. Nixon stated as soon as the governing bodies knew where the road would be constructed and a rough estimate could be provided on the needed right of way, then they could help with the acquisition.

Mr. Yowell asked if it was still undecided on exactly where the road would go. Mr. Giometti noted that the corridor had been decided upon; however, adjusting the road alignment for wetlands and other environmental issues, etc. had to be completed. He stated he could not state the exact footage that would be required.

Mr. Underwood suggested they should be able to closely figure the acreage needed, because they knew the approximate general length and width of the proposed road. Mr. Giometti stated they could do a rough acreage estimate. Mr. Underwood stated this would help with developing an estimate on what the right of way costs would be if there were no donations of right of way.

Mr. Underwood asked what was involved with the additional improvements on Route 522. Mr. Giometti stated it was unknown right now until the survey has been completed. He noted that adding a road of this magnitude to Route 522 would involve additional turning lanes, etc. and this could get costly.

Mr. Underwood thanked Mr. Sprinkle and Mr. Giometti for coming to the meeting.

**County Item:****Combination/Joining of Town and County Planning & Zoning and Parks & Recreation Services**

Mr. Underwood noted this item had been pending until the Council could hold its retreat tentatively scheduled for the Fall. He noted the retreat had been cancelled and asked if the Committee wished to further discuss this item, set a timeframe for its consideration, keep it as a pending item, or remove it from consideration.